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# Collective bargaining for non-tenure track faculty: an analysis of the Brazilian model

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# Brazilian model of collective bargaining for adjunct faculty in private sector negotiations

## Objective:

The paper reflects on the consequences of the Brazilian model of collective bargaining in dealing with the dichotomy research/teaching

# Corporatist trade union structure

- One legally recognized trade union;
- Representation by category of employees and employers' of a specific economic sector;
- Workers and employers (members or not) are covered by the collective agreements;
- Mandatory trade unions dues.

# Higher Education Picture

Types of Institutions	#	PRIVATE INSTITUTIONS		# OF STUDENTS	IN PRIVATE INSTITUTIONS		# OF PROFESSORS	IN PRIVATE INSTITUTIONS	
		#	%		#	%		#	%
UNIVERSITY	193	85	44.04%	3,812.491	2,175.002	57.05%	203,295	67,500	33.20%
COLLEGE	139	129	92.81%	1,085.576	1,063.704	97.99%	38,357	36,478	95.10%
FACULTY	2,044	1,898	92.86%	2,027.982	1,901.606	93.77%	123,753	114,587	92.59%
TECHNICAL SCHOOL	40	-	-	111.639	-	-	13,534	-	-
<b>TOTAL</b>	<b>2,416</b>	<b>2,112</b>	<b>87.42%</b>	<b>7,037.688</b>	<b>5,140.312</b>	<b>73.04%</b>	<b>378,939</b>	<b>218,565</b>	<b>57.68%</b>

# Universities

- According to the LDB, universities must offer teaching, research and university extension.
- Universities must meet minimum requirements:  
1/3 of the faculty of PhD.s; 1/3 of full-time professors; and develop 4 graduate programs (Masters and / or PhD -at least one a Ph.D program).

# **The State as the main regulator**

- Higher education is a public service.
- Private institutions need the Federal Government authorization to exist and must comply with their rules.
- Educational Guidelines and Bases Law- LDB, Law No. 9394 of 1996.
- Ministry of Education and Culture (MEC)

# MEC's institutional evaluation

Management policies have an important role, which correspond to 20% of the grade given to a university, considering:

- Professors' types of contracts;
- Professors' educational qualification
- Professors' career plan;



# Professors' types of contracts

There are 3 types:

- full-time professor (no tenure);
- part-time professor;
- adjunct faculty (*horista*).

# MEC's institutional evaluation

- University indicators are better the more full-time professors it hires
- In all cases, professors are employees (Labour Code) of the University and are part of a career plan.
- The LDB also establishes a rule on professors' dismissal, which universities do not comply with.

# Professors' career plans

- Traditional structure:
  - I) Adjunct Professor;
  - II) Assistant Professor;
  - III) Associate Professor; and
  - IV) Full-Time professor.

Criteria for promotion: merit and seniority

They all have the same employment status.



Brazil is a country of continental dimensions, with 8,515,767,049 km<sup>2</sup> (47% of the South America), with a population of approximately 202 million inhabitants, distributed among 27 states.

# Picture of Collective bargaining

- Adjunct faculties are represented by the same trade union as Assistants, Associates and Full-Time Professors, and covered by the same CA.
- 7 states from all Brazilian regions;
- 19 usual collective bargaining items usually negotiated.

<b>Items negotiated</b>	<b>São Paulo (Capital)</b>	<b>Rio de Janeiro (capital)</b>	<b>Rio Grande do Sul</b>	<b>Brasília - DF</b>	<b>Bahia</b>	<b>Ceará</b>	<b>Pará</b>
<b>Extra activity hour</b>	YES, 5%	NO	NO	YES, 2,1%.	NO	NO	YES, 1 hour/month per course.
<b>Participation on the Institution's profits and results</b>	YES 24% of the wage/paid once a year	YES 8% of the wage/paid once a year	NO	YES 10% of the wage/paid once a year	NO	NO	YES (being negotiated)
<b>Years of Employment Premium</b>	NO	YES 3% every 3 years	YES 3% every 4 years	NO	NO	NO	YES 1% every 3 years
<b>Title Premium – masters degree</b>	NO	YES 5%	YES 10%.	NO	NO	NO	NO
<b>Title Premium – Ph.D</b>	NO	YES 10%.	YES 15%.	NO	NO	NO	NO

<b>Additional to Social Security benefits</b>	NO	YES until a 180 days	NO	NO	NO	NO	NO
<b>Grant/undergrad courses/professor</b>	YES Full grant	YES From 50% to 100%, according to the professor's hours of work	NO	NO	YES the grant varies	YES 50%.	YES Full grant
<b>Grant/Graduate courses (master &amp; Ph.D)/professor</b>	YES Full grant, limitade to 30% of the course	NO	YES 50%.	YES 50%	YES the grant varies	YES 50%.	YES One Full grant for course
<b>Grant/undergrad courses/professors' dependents</b>	YES Full grant	YES 50% to 100%, according to the professor's hours of work	YES 20% to 80%, according to the professor's hours of work	YES Up to 80%, according to the professor's hours of work	YES the grant varies	YES 50%.	YES Full grant
<b>Private Health Care Insurance/</b>	YES 90% paid		YES 50% paid by the				

<b>Private Health Care Insurance/ professors &amp; dependents</b>	YES 90% paid by the Institution	NO	YES 50% paid by the Institution	NO	NO	NO	NO
<b>Daycare additional – beyond 6 months old</b>	NO	NO	YES up to 4 years old	NO	NO	NO	NO
<b>Wage guarantee/semester</b>	YES	YES	NO	YES	NO	NO	NO
<b>Professors' career plan</b>	NO	YES	NO	YES	NO	NO	YES
<b>Extension of pregnancy stability</b>	YES More 60 days	YES More 150 days	YES More 90 days	YES More 60 days	NO	NO	YES More 30 days



<b>Stability pre-retirement</b>	YES 2 years	YES 2 years	YES 3 years	NO	NO	YES 1 years	YES 1,5 years
<b>Limits to hours of work reduction for adjunct faculty</b>	YES	NO	YES	YES	NO	YES	YES
<b>No-paid sabbatical</b>	YES	NO	YES	NO	NO	YES	YES
<b>Private Retirement plan</b>	NO	NO	NO	NO	NO	NO	NO
<b>Professional Minimum Wage</b>	NO	YES	NO	YES	NO	NO	YES

# Brazilian model of collective bargaining and the higher educational system

Despite MEC's requirements, most higher education institutions hire mostly part-time and adjunct faculty.

Year	Master degree	PhD	Full-time
2005	40,16%	12,33%	16,57%
2012	45,42%	17,79	24,19%

# The dichotomy research/teaching

- Private higher education institutions tend to focus on teaching more than on research (lack of tradition on research, less costs & attracts more students).
- Even though MEC's evaluation imposes minimum standards to universities concerning research and full-time professors, these rules are still mostly perceived as bureaucratic demands.
- There is still no consolidate channel through which research brings prestige and resources.

# The dichotomy research/teaching

- The equal treatment (through law & collective bargaining) among full-time, part-time and adjunct faculty guarantees a more isonomic working environment.
- But it also reveals the institutions' option to base its activities on the work of adjunct faculty.